

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1, 3, 4, 11, 15, 16, 18-22, 25 and 26) is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants would like to thank the Examiner for her indication that claims 4, 22 and 25 were allowed. In addition, it appears that claim 26 was rejected only under 35 U.S.C. § 112 and therefore distinguished over the prior art cited by the Examiner.

Applicants have amended the claims to overcome the objections under 35 U.S.C. § 112 set forth on page 2 of the Office Action.

Applicants have amended independent claims 1, 11, and 16 to distinguish over the prior art cited by the Examiner. Specifically, claim 1 has been amended to require the biasing element bear against the outer or external shank surface of the locking nail surrounding the bore. Applicants have clarified that the biasing sleeve deforms axially in the direction of the transverse axis. Clearly the sleeves of Bramlet et al., Hall IV et al. and Sutter et al. do not engage the outer surface surrounding the bore, deform axially or both. For example, the insert of Sutter et al. as a second end which is located internally of the plate bore and it appears that the first end, which contacts the outer surface of the bone plate, expands radially upon the insertion of screw 9. The sleeves of Bramlet et al. and Hall IV et al. do not contact the outer surface of the nail surrounding the bore and are not held axially in position by the engagement of the second end thereof with the outer surface surrounding the bore.

Claim 11 has been amended to indicate that the circumferential slots are axially spaced along the transverse axis. The slots of Sutter et al and Hall IV et al. are not

spaced along the length of the transverse axis but only around the axis at a single location. Furthermore, none of the slots extend through an angle of more than 180° around the axis.

With regard to claim 16, it was amended to claim the structure shown in FIG. 2 in which two biasing elements are present. None of the prior art cited by the Examiner includes two biasing elements as claimed.

Applicants believe that claims 1, 11 and 16 as amended distinguish over the prior art and are therefore not anticipated nor obvious over the references cited by the Examiner. Claims 4, 22 and 25 are allowed.

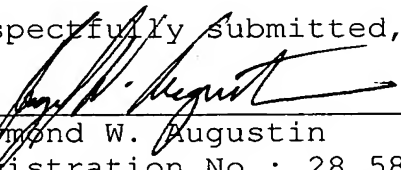
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 30, 2008

Respectfully Submitted,

By 
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